

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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vs.

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Criminal No.: CCB-16-0597

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MONTANA BARRONETTE

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MOTION TO CONTINUE THE HEARING ON NON-CAPITAL PRE-TRIAL MOTIONS

Defendant, Montana Barronette, by his attorneys, Alan R. L. Bussard, Michael E. Lawlor, and Nicholas G. Madiou, and hereby respectfully moves this Honorable Court to continue the hearing on noncapital pre-trial motions currently scheduled in this matter, and in support states as follows:

1. On June 29, 2017, the United States charged Mr. Barronette, and ten other co-defendants, in a ten-count Superseding Indictment. Mr. Barronette is charged with participating in a racketeering conspiracy, in violation of 18 U.S.C. § 1962(d) (“Count One”); murder in aid of racketeering, in violation of 18 U.S.C. § 1959(a)(1) (“Count Two”); and conspiracy to distribute and possess with intent to distribute controlled substances, in violations of 18 U.S.C. § 846 (“Count Three”). In sum, Mr. Barronette is alleged to have committed six murders in this case.

2. Undersigned counsel were appointed to represent the defendant in the above captioned matter.

3. As a result, if convicted, Mr. Barronette faces a potential sentence of death.

4. On April 3, 2018, ten months after filing the Superseding Indictment, Government counsel

advised the undersigned via e-mail that the United States Attorney General had directed the Capital Case Section (“CCS”) of the Department of Justice to hear mitigation presentations from all defendants charged in this case with violent crimes in aid of racketeering, before a decision is made on whether to authorize local prosecutors to seek the death penalty.

5. Mitigation presentations at CCS are currently scheduled for June 11, 2018.

6. This Court has previously scheduled a pretrial motions hearing for all non-capital pre-trial motions for Friday, May 4, 2018.

7. In light of the Attorney General’s late request for presentations before the Department of Justice CCS, as well as the fact that the May 4, 2018 hearing precedes the June 11, 2018 CCS meeting, undersigned counsel feel compelled to file the instant request to continue the current motions hearing date. The uncertainty as to when a decision may be forthcoming from the Department of Justice on whether to seek death in this case give undersigned counsel great concern about litigating pre-trial motions at this point. For these reasons counsel believes it is prudent and appropriate to request a continuance of the hearing on all non-capital pre-trial motions until after a decision has been made about whether the Government will seek death in this case.

8. Undersigned counsel has discussed the matter with counsel for the government Assistant United States Attorney Daniel Gardner, and can state that the United States objects to the instant request.

WHEREFORE, the defendant, Montana Barronette, respectfully requests this Honorable Court to continue the hearing on all non-capital pre-trial defense motions until such time as the Attorney General has made a decision with regard to whether to seek death in this case.

Respectfully submitted,

_____/s/_____

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_____/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of April, 2018, the foregoing Motion to Continue the Hearing on Non-Capital Pretrial Motions was electronically filed with the Clerk of the United States District Court using CM/ECF, with a notice of said filing to the following:

Daniel Gardner, Esquire
Christopher Romano, Esquire
Office of the U.S. Attorney
36 S Charles Street, 4th Floor
Baltimore, Maryland 21201.

_____/s/_____

Alan R. L. Bussard